

JAMES C. YOON (State Bar No. 177155)
 Email: jyoona@wsgr.com
 STEFANI E. SHANBERG (State Bar No. 206717)
 Email: sshanberg@wsgr.com
 ROBIN L. BREWER (State Bar No. 253686)
 Email: rbrewer@wsgr.com
 WILSON SONSINI GOODRICH & ROSATI
 Professional Corporation
 650 Page Mill Road
 Palo Alto, CA 94304-1050
 Telephone: (650) 493-9300
 Facsimile: (650) 565-5100
 Attorneys for Plaintiff
 FORTINET, INC.

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION**

FORTINET, INC.,	)	CASE NO.: 09-CV-00036-RMW (PSG)
)	
Plaintiff,	)	NOTICE OF WITHDRAWAL OF
	)	MOTION TO COMPEL DISCOVERY
v.	)	AND REQUEST TO REMOVE
	)	HEARING FROM MOTION
PALO ALTO NETWORKS, INC., and	)	CALENDAR
PATRICK R. BROGAN,)	
	)	Date: December 21, 2010
Defendants.	)	Time: 10:00 a.m.
	)	Courtroom: Courtroom 5, 4th Floor
	)	Judge: Honorable Paul S. Grewal

Pursuant to Civil Local Rule 7-7(e), Plaintiff Fortinet, Inc. ("Fortinet") hereby notifies the Court and all parties of record of its withdrawal without prejudice of the pending Motion to Compel Discovery (Dkt. No. 238) from Defendant Palo Alto Networks, Inc. ("PAN") and respectfully requests that the hearing on the motion scheduled for December 20, 2010, at 10:00 a.m. be taken off calendar.

On November 16, 2010, Fortinet filed a Motion to Compel Discovery from PAN. On November 30, 2010, PAN filed its Opposition to the Motion to Compel (Dkt. No. 244). Since the filing of the Motion to Compel, PAN agreed to produce the current version of its source code and followed through on that agreement. Further, the parties agreed upon a case management plan and

1 revised case schedule that may resolve Fortinet's concerns with regard to non-technical discovery
2 and obviated the need to pursue the motion to compel with respect to non-technical discovery. *See*
3 Dkt. No. 247 (Second Subsequent Joint Case Management Conference Statement).

4 On December 7, 2010, Fortinet filed its Reply in Support of the Motion to Compel (Dkt.
5 No. 248) identifying three remaining open issues with respect to technical discovery and requested
6 that the Court grant its Motion to Compel as to those three issues. The parties continued to confer
7 regarding resolution of the remaining technical discovery issues and, on December 16, 2010, the
8 parties filed a Revised Second Subsequent Case Management Statement (Dkt. No. 249) reflecting
9 their agreement as to the remaining technical discovery issues and setting forth an agreed upon
10 schedule.

11 In light of the proposed case schedule and the parties' agreement with respect to technical
12 discovery, Fortinet hereby withdraws without prejudice its Motion to Compel Discovery. Fortinet
13 further requests that the hearing on the motion scheduled for December 20, 2010, at 10:00 a.m. be
14 taken off calendar.

15
16 Dated: December 20, 2010

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

17
18 By: /s/ Stefani E. Shanberg
Stefani E. Shanberg

19
20 Attorneys for Plaintiff
FORTINET, INC.